



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000*

January 5, 2004

RE: Site Update, BNSF Former Maintenance and Fueling Facility, Skykomish, Washington

Dear Community Member,

The Department of Ecology appreciates the response of the community and other interested parties during the recent public comment period for the BNSF-Skykomish site. Thirty individuals and agencies sent comments on the large and complex set of documents prepared by BNSF. The cleanup can affect Skykomish in many ways and we appreciate the time and consideration that went into preparing your comments. Ecology will use the information as we continue to evaluate the cleanup alternatives and move toward a final cleanup.

Here is the latest about cleanup activities. As always, we want to keep you up to date as the process moves along.

**New Development—Dispute Resolution:** An important development occurred recently that affects the project schedule. Because BNSF and Ecology may disagree on several issues, BNSF has invoked a Dispute Resolution process. BNSF has chosen five technical issues for dispute resolution that involve cleanup levels for the protection of human health and the environment and the length of time allowed for the site to meet cleanup standards. This dispute process is allowed under the Agreed Order signed in 1993 by BNSF and Ecology. The Order indicates that BNSF may request Ecology resolve disputes arising during the Remedial Investigation/Feasibility Study (RI/FS) work. During this process, the dispute between BNSF and Ecology is resolved by the agency's cleanup program management. These technical issues are integral to the upcoming steps in the cleanup process and need to be resolved before any revision of the FS or Environmental Impact Statement (EIS). This process is likely to delay our original schedule. We will keep you informed and answer questions as best we can during the dispute.

**Comments:** Members of the community have asked what types of comments were received and if we would summarize and describe how they will be used. To generally summarize the comments here, community members held the same view for cleanup, which was to see as complete a cleanup as possible without leaving contamination behind that would restrict and devalue their properties. Before Ecology can determine how the public comments will be used, the dispute resolution process needs to be completed.

**Next Steps:** Ecology and BNSF will undertake dispute resolution in coming months. Once the dispute is resolved, Ecology will update you on the results and the status of the overall cleanup process. Ecology will be working to finalize the RI and the FS after the dispute is resolved. Based on the final FS, a draft Cleanup Action Plan will be developed and submitted to the



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public for comment. A Consent Decree or other appropriate legal mechanism also will be developed to implement the final Cleanup Action Plan, which also will undergo public comment. Again, the schedule for this cleanup process is dependent on the length of time the dispute resolution takes, as well as the outcome of the dispute.

Thank you for your participation and continued interest in the cleanup effort. If you have any questions about this update or the overall project, please call me at (425) 649-7209.

Sincerely,

A handwritten signature in cursive script that reads "Louise Bardy". The signature is fluid and elegant, with the first name "Louise" and last name "Bardy" clearly distinguishable.

Louise Bardy  
Project Manager